

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (FRANK MARTINUS, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 08-23-04 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (FRANK MARTINUS, APPLICANT); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (FRANK MARTINUS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: FRANK MARTINUS LOCATION: 701 MEREDITH STREET ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE REAR YARD OF THE LOT ABUTS A NATURAL WATER BODY (PEARL LAKE). SETBACKS ARE INCREASED FOR POOLS AND POOL SCREEN ENCLOSURES THAT ABUT A NATURAL WATER BODIES AND ARE MEASURED FROM THE MEAN HIGH WATER ELEVATION OF THE LAKE. • THE APPLICANT PROPOSES TO CONSTRUCT A POOL THAT WOULD ENCROACH 10 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK AND A POOL SCREEN

	<p>ENCLOSURE THAT WOULD ENCROACH 8 FEET INTO THE MINIMUM 25 FOOT REAR YARD SETBACK; THE AFOREMENTIONED VARIANCES ARE REQUESTED.</p> <ul style="list-style-type: none">• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANTING OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED POOL AND POOL SCREEN ENCLOSURE HAVE BEEN DEMONSTRATED.• ALTHOUGH THE SUBJECT PROPERTY EXCEEDS THE MINIMUM LOT SIZE REQUIREMENT (11,700 SF) OF THE R-1AA DISTRICT, BUILDABLE AREA, ESPECIALLY IN THE REAR YARD, HAS BEEN REDUCED BY PEARL LAKE, WHICH COMPRISES OVER ONE-HALF OF THE PROPERTY. THIS FACTOR HAS REDUCED BUILDABLE AREA IN WHICH TO CONSTRUCT A POOL AND POOL SCREEN ENCLOSURE, WHICH ARE COMMON SINGLE-FAMILY AMENITIES IN THE R-1AA DISTRICT.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA ZONING DISTRICT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED

JUN 04 2004

APPL. NO. BV 2004-112

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** Pool and enclosure rear setback, abutting a natural water body from 30 ft. to 20 ft. (pool) and 25 ft to 17 ft (enclosure).

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☒ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Frank Martinus	Frank Martinus
ADDRESS	701 Meredith St Fern Park, FL 32730	
PHONE 1	407-739-4624	
PHONE 2	407-444-0445	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 701 Meredith St, Fern Park, FL 32730

CURRENT USE OF PROPERTY: Personal residence

LEGAL DESCRIPTION: Lot 11, BALLMER AND WEISS MANOR, According to the plat thereof as recorded in Plat Book 11, Page 12, of the Public Records of Seminole County, Florida.

SIZE OF PROPERTY: 11,700 sf acre(s) PARCEL I.D. 17-21-30-516-0000-0110

UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on July 26, 04 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Frank Martinus
SIGNATURE OF OWNER OR AGENT*

6/4/04
DATE

* Proof of owner's authorization is required with submittal if signed by agent.

I:\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

VB2004-112

VARIANCE ~~3~~ → #1

REAR YARD SETBACK VARIANCE FROM 30' TO 20'
FOR A PROPOSED POOL.

VARIANCE ~~4~~ → #2

REAR YARD SETBACK VARIANCE FROM 25' TO 12'
FOR A PROPOSED POOL ENCLOSURE

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

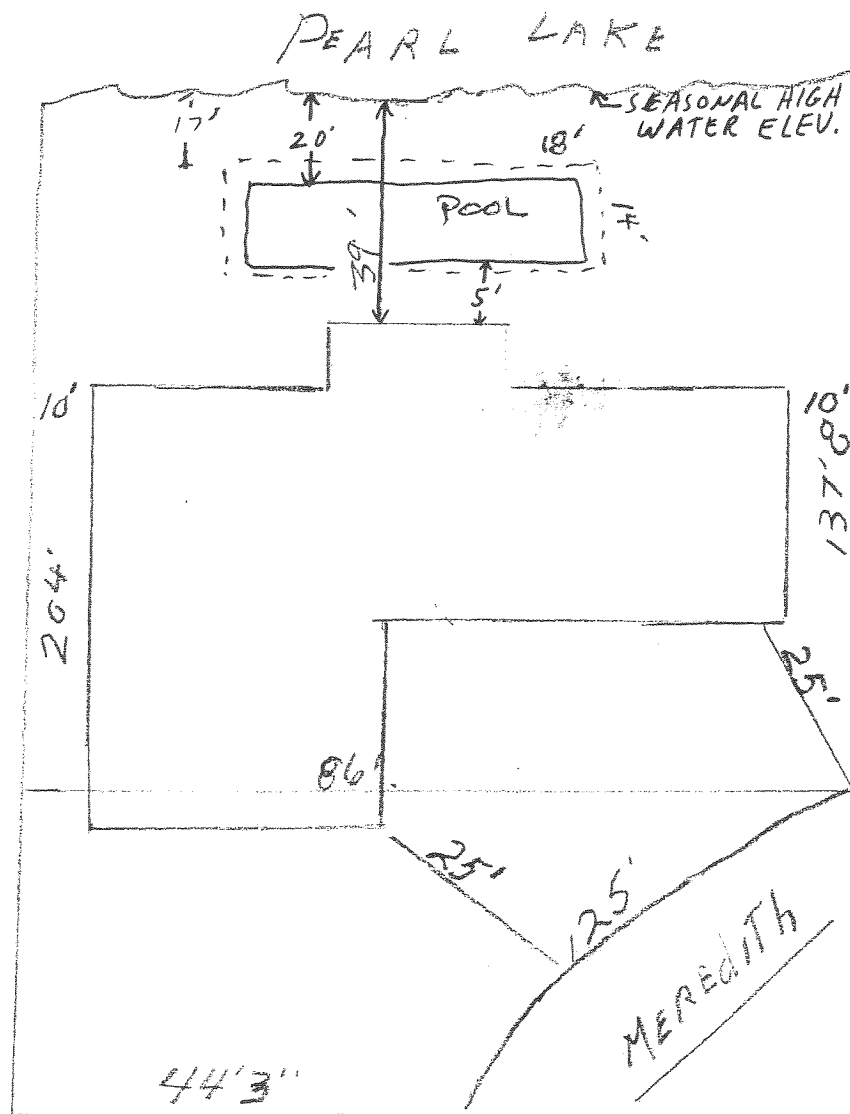
PROCESSING:

FEE: \$200 COMMISSION DISTRICT 4 FLU/ZONING R-1AA/LDR
LOCATION FURTHER DESCRIBED AS ON THE NORTH SIDE OF MEREDITH
STREET AND AT THE INTERSECTION WITH GLADWIN AVENUE

PLANNER DATE VB logged 6/14

INSUFFICIENCY COMMENTS

(Not to scale)



GLADWIN

LOT 11 BOLL MAN & WEISS MANOR

Frank Martinus
701 Meredith St
Fern Park, FL 32730

June 3, 2004

Seminole County Board of Adjustment

Re: Variance Request

To Whom It May Concern:

I am requesting a rear setback variance for the construction of a pool with enclosure, abutting Litte Prarie Lake, from 30 ft to 10 ft for the pool and from 25 ft to 10 ft for the enclosure.

The reason for the request is that the placement of the house on the lot in order to meet front setback requirements did not leave enough rear yard to meet the rear setback requirement for a pool abutting a natural body of water. (ste plan attached)

I have spoken to my immediate neighbors left and right and they have indicated that they would have no problem with the variance request. (letter from one neighbor attached).

Thank you for your consideration.

Frank Martinus

CONSENT TO VARIANCE

I understand that my neighbor, Frank Martinus, who lives at 701 Meredith St. is requesting a rear setback variance in order to build a pool with enclosure.

I (we) who live at 703 MEREDITH ST
do not object to this variance application. - CONDITIONAL ON THE FOLLOWING:

Consented to this date SEE BELOW
By SEE BELOW

✓ Consent to this variance, under the condition that no ^{ARTIFICIAL} light would extend beyond the boundaries of ~~the~~ same property. There must be a ZERO FOOTCANDLE MEASUREMENT AT PROPERTY LINE.

David B. Clarken
DAVID B. CLARKEN

6/1/2004

COPY

DECLARATION

Declaration made this 24th day of February, 2000, I, FRANK MARTINUS, being of sound mind and disposing mind and memory and of legal age, do hereby declare pursuant to Florida Statutes Section 744.3045 that:

If at any time I should become mentally incompetent, physically disabled or be incapable otherwise of managing my property, caring for my self or both then I hereby name MARSH EUGENE MARTINUS, who is sui juris, is older than 18 years of age, has not been convicted of a felony and is capable to discharge the requisite duties, to serve as the guardian of my person and property during my incapacity.

If, MARSH EUGENE MARTINUS, shall fail to qualify or act for any reason or after having qualified ceases to continue acting for any reason then I hereby name FRANK JAMES MARTINUS, who is sui juris, is older than 18 years of age, has not been convicted of a felony and is capable of discharge the requisite duties, to serve as the guardian of my person and property during my incapacity.

This appointment is based on the close family relationship maintained by the nominated persons to serve as my guardian and me over the last several years and their knowledge of my desires and wishes concerning such matters.

I understand the full importance of this declaration and I am emotionally and mentally competent to make the same.

Frank Martinus
FRANK MARTINUS

The declarant is know to me and I believe him to be of sound mind.

W. W. W.
Witness:

Anna E. Duond
Witness:

STATE OF FLORIDA
COUNTY OF ORANGE


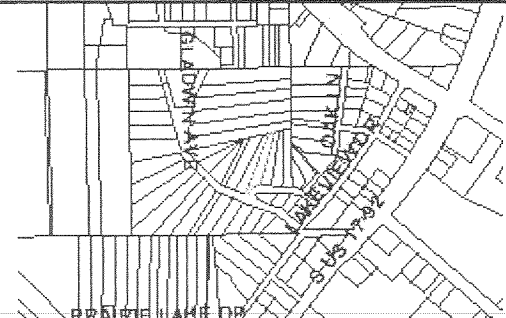

SWORN TO and SUBSCRIBED before me this 24th day of February 2000, by FRANK MARTINUS, who is personally known to me or who produced Florida Drivers License as identification.

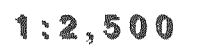
Sharon K Cullaton
NOTARY PUBLIC

My Commission Expires:



FM

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◻ Back ▶																																																		
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-21-30-516-0000-0110 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MARTINUS FRANK & DOROTHY A Exemptions: 00-HOMESTEAD</p> <p>Address: 701 MEREDITH ST</p> <p>City,State,ZipCode: CASSELBERRY FL 32730</p> <p>Property Address: 701 MEREDITH ST CASSELBERRY 32730</p> <p>Subdivision Name: BALLMER AND WEISS MANOR</p> <p>Dor: 01-SINGLE FAMILY</p>			<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$113,525</p> <p>Depreciated EXFT Value: \$864</p> <p>Land Value (Market): \$45,630</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$160,019</p> <p>Assessed Value (SOH): \$117,216</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$92,216</p>																																																				
<p style="text-align: center;">SALES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/1978</td> <td>01195</td> <td>0487</td> <td>\$12,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1968</td> <td>00712</td> <td>0342</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/1978	01195	0487	\$12,000	Vacant	QUIT CLAIM DEED	01/1968	00712	0342	\$100	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,795</p> <p>2003 Tax Bill Amount: \$1,419</p> <p>Savings Due To SOH: \$376</p> <p>2003 Taxable Value: \$90,030</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																		
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																							



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 11 BALLMER AND WEISS MANOR PB 11 PG 12

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: CARY & SHELLY ATHERDEN
701 MEREDITH STREET
CASSELBERRY, FL 32730

Project Name: MEREDITH STREET (701)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL; AND
2. REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the proposed pool and pool screen enclosure as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.